

# Strategies for Accommodating Limited English Proficient Students

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*(Paper copies of Lau Plan Samples for MSAD #46-Dexter and Millinocket School Department are not included with this document but are available from our office upon request.)*

## INTRODUCTION

There continues to be a growing number of language minority students attending Maine schools. These students were born into or were adopted from a home where English is/was not their first language. Many such children are limited English proficient; that is, they possess insufficient English language skills to achieve in school on a par with their fully English proficient peers.

Language minority students who are limited English proficient are entitled to full participation in educational systems that are recipients of public funds.\* Educational services should include, as a minimum: English language communication skills (usually English a second language and/or bilingual education) and content area academic skills to prepare them to benefit from an education conducted in an all-English standard curriculum classroom. Inadequate language and academic skills development instruction, as well as premature exiting from specially designed language support programs, may result in academic failure for those students not ready for English-only content studies.

Schools which enroll at least one limited English proficient child must have procedures (referred to as a *Lau* plan) by which those students are equitably: (1) identified as being from a non-English language background; (2) assessed for English language proficiency level by means of a multiple-criteria assessment; (3) provided language support services to meet their English-as-a-second-language acquisition needs for communicative and academic skills; (4) reclassified or exited from the language support services when they are ready to benefit from an all-English standard curriculum in the school; (5) provided program evaluation wherein the school district considers the effectiveness and appropriateness of the language support program as a whole and for individual students.

Since limited English proficiency is not a handicapping condition, limited English proficient students should not be placed in any special education program unless an exceptionality is well-documented and evaluated and appropriate procedures (e.g., linguistic background examined) have been followed.

IASA Title I funded services may not supplant language support services, but may be provided to LEP students who meet the Title I program's eligibility requirements. Such eligibility criteria will vary depending on whether the school received targeted assistance or school-wide assistance.

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\* Several federal and state legal documents delineate the responsibilities of schools enrolling language minority children. The federal documents include: Title VI of the Civil Rights Act of 1964; Equal Education Opportunity Act of 1974, 20 U.S.C. 1703; Lau v. Nichols 94 S. CT. 786 (1974); Castaneda v. Packard 648 F2d 989 (5th Cir. 1981); Cintron v. Brentwood Union Free School 455 F. Supp. 57 (D.C.N.Y. 1978); OCR's May 25 Memorandum; and the "OCR Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited English Proficiency" (1991).

State documents pertaining to national origin minority persons include: 5MRSA, sub-section 4601 and 4602, July 1990 Amendments, 20-A MRSA C 207-A, sub-section 4701; and Department of Education rules, Chapter 115, Part II, Endorsements (ESL).

Teachers who provide English as a second language (ESL) support services which supplant standard curriculum instruction must be working toward or in possession of Maine's 15-credit ESL teaching endorsement. Those ESL support services which do not supplant the standard curriculum may be provided by an educational technician who is supervised by a teacher working toward or in possession of an ESL endorsement. In addition to this publication, schools are encouraged to request copies of these DOE publications:

- What Matters in Building an Effective ESL Program?  
A Guide for Program Evaluations
- Practical Practices for ESL Teachers
- Book of Solutions: Frequent Questions  
on Concepts, Issues, and Strategies  
for the Education of Language Minority Children

Schools which enroll limited English proficient students may request assistance as well as materials for developing appropriate programs for these students, from Dr. Barney Bérubé (287-5984) of the Office of English as a Second Language and Bilingual Education, Department of Education, #23 State House Station, Augusta, Maine 04333-0023. Phone (207) 287-5980/FAX (207) 287-5876/e-mail: [barney.berube@state.me.us](mailto:barney.berube@state.me.us)

## **PART I. STATUTE**

### **Legal Obligations of Schools toward Language Minority Students**

#### **1. Civil Rights Act of 1964**

Title VI: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance.”

#### **2. Office for Civil Rights Memorandum (1970):**

“(1) Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead end or permanent track.

(4) School districts have the responsibility to adequately notify national origin minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.”

#### **3. Lau v. Nichols (U.S. Supreme Court, 1974)**

“Under these state imposed standards, there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in

the educational program he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in now way meaningful.

It seems obvious that the Chinese-speaking minority receive fewer benefits than the English speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program - all earmarks of the discrimination banned by the regulations."

4. **Equal Educational Opportunities Act of 1974**

"No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by -

- (f) the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs."

5. **The Lau Remedies (1975)**

They specified approved approaches, methods, and procedures for:

..."identifying and evaluating national origin minority students' English language skills;

...determining appropriate instructional treatments;

...deciding when LEP children were ready for mainstream classrooms;

...determining the professional standards to be met by teachers of language minority children."

6. **Castenada v. Packard (1981)**

The Court of Appeals then formulated the following three-part test to measure compliance with the EEOA requirement of "appropriate action."

(1) Theory: The Court's responsibility, insofar as educational theory is concerned, is only to ascertain that a school system is pursuing a program informed by an educational theory recognized as sound by some experts in the field or, at least, deemed a legitimate experimental strategy.

(2) Practice: The Court's second inquiry would be whether the programs and practices actually used by a school system are reasonably calculated to implement effectively the educational theory adopted by the school. We do

not believe that it may fairly be said that a school system is taking appropriate action to remedy language barriers if, despite the adoption of a promising theory, the system fails to follow through with the practices, resources, and personnel necessary to transform the theory into reality.

(3) Results: If a school's program, although premised on a legitimate educational theory and implemented through the use of adequate techniques, fails, after being employed for a period of time sufficient to give the plan a legitimate trial, to produce results indicating that the language barriers confronting students are actually being overcome, that program may, at that point, no longer constitute appropriate action as far as that school is concerned. We do not believe Congress intended that under Section 1703(f) a school would be free to persist in a policy which, although it may have been "appropriate" when adopted, in the sense that there were sound expectations for success and bona fide efforts to make the program work, has, in practice, proved a failure...

Limited English speaking students entering school face a task not encountered by students who are already proficient in English. Since the number of hours in any school day is limited, some of the time which limited English speaking children will spend learning English may be devoted to other subjects by students who entered school already proficient English...We understand §1703(f) to impose on educational agencies not only an obligation to overcome the direct obstacle to learning which the language barrier itself poses, but also a duty to provide limited English speaking ability students with assistance in other areas of the curriculum where their equal participation may be impaired because of deficits incurred during participation in an agency's language remediation program. If no remedial action is taken to overcome the academic deficits that limited English speaking students may incur during a period of intensive language training, then the language barrier, although itself remedied, might, nevertheless, pose a lingering and indirect impediment to these students' equal participation in the regular instructional program. We also believe, however, that §1703(f) leaves schools free...to determine the sequence and manner in which limited English speaking students tackle this dual challenge so long as the schools design programs which are reasonable calculated to enable these students to attain parity of participation in the standard instructional program within a reasonable length of time after they enter the school system.



## **PART II. STUDENT ASSESSMENT**

### **A. Identification of Language Minority Students**

The Maine Department of Education conducts an annual home language survey to determine the number of language minority children who are enrolled in Maine schools. Schools collect the completed surveys from the parents/guardians of new kindergarten students and newly-transferring students. In order to expedite the collection of these surveys, school districts may wish to include the survey form in the registration packet for new students. Translations of the forms are available in several languages from the Department of Education. The home language survey is a U.S. Office of Civil Rights-approved means of collecting home language data on all students in a district.

Some schools choose to conduct their own teacher survey of children to identify those children who might be experiencing difficulty in academic skills due to a non-English language background. The survey can also be used to identify children whose first language is English but who have spent a considerable amount of time in another country attending school in a different language or being cared for by persons who speak another language. From these surveys, the school can determine if structured language support services are necessary to assist the students toward academic success.

## **B. Assessment for English Language Proficiency**

Once a child has been identified as being from a non-English language background or having spent a considerable amount of time in a non-English speaking country (and that stay has affected the child's ability to comprehend and express in English), the next step is to assess the child's English language proficiency. This must be a multiple-criteria assessment wherein the child's basic interpersonal communication skills (BICS) and cognitive academic language proficiency (CALP) are measured; the CALP component would include listening, speaking, reading and writing in an academic setting.

The assessment tools for such a task would include:

- Previous school records
- Observation of the child in a classroom and informal settings
- Interviews with the child and parent(s)/guardian(s)
- An English language proficiency screening instrument (a list of tests available from the Department of Education is included in its most recent Catalogue of Resources on Language and Culture)
- A grade-level appropriate standardized achievement test for those children who attain a score of fluent English proficient on the screening instrument selected by the LAC
- A portfolio of work done by the child in a previous school or at the current school
- A native language proficiency assessment instrument
- A questionnaire about the child's health, schooling, and culture

The LAC will conduct and review the above assessment and from that make a determination of:

- ❖ the need for a structured language support program
- ❖ the most appropriate and effective program to best meet the student's
- ❖ English language acquisition needs as well as content-area support the individualized learning plan for the child

### **C. Assessment of First Language Proficiency**

If possible, an assessment of the child's proficiency in his/her first language is advisable since this can give the LAC more enhanced data about the child's learning, comprehension, and retention of information. The data will also be valuable for future reference in the unlikely event the LEP child is referred for a special education evaluation; if this were to occur, a disability in English would have to be reflected in the first language as well.

Two resources would be necessary for a formal first language assessment to take place:

1. A first language assessment tool; and,
2. A test administrator who is fluent in the child's first language and understands the child's culture.

If a native language assessment tool is available, the school department may seek out a person who could administer it. If only a test administrator is available, that person could give an informal, translated assessment to obtain an initial perspective of the child's first language.

## **D. Language Assessment Committees**

The Language Assessment Committee (LAC) is a group of school staff and parents of students that meets to discuss and develop an appropriate and effective structured language support program for limited English proficient children. It is recommended that the LAC meet on a regular basis, such as quarterly, to review the student's progress, the effectiveness of the program, and to re-direct certain instructional activities if necessary.

The membership of the LAC should consist of: a building-level administrator; the ESL professional; the child's standard curriculum classroom teacher; a parent/guardian; and a school counselor (especially important if the child has experienced trauma from his/her native country). If there is no ESL professional on staff, a speech/language clinician may participate on the committee as a consultant to the committee and to the person providing the language support services. The membership of the committee would change periodically as the student is promoted to the next grade level or if new students who are limited English proficient come into the school.

The list of responsibilities of the LAC would typically include:

1. Reviewing the home language surveys to identify potential LEP student in the school (those students who have not already been identified by LAC survey, parents, mandatory special education screening, or teacher referral). Circulate to the LAC the results of those surveys that indicate minority language usage. Create a language assessment file for each student identified.
2. Notifying the parents in a language they comprehend of the date and nature of projected English language proficiency testing.
3. Administering multi-criteria evaluation to potential LEP students each year. Assistance in test-administration and score-interpretation is available through the DOE Office for ESL and Bilingual Education.
4. Making decisions from multi-criteria evaluation about placement in program and appropriate ESL programming [i.e., length of time, time of day, type (pull-out or in-class)].
5. Meeting on a regular basis to monitor LEP student's language and academic progress (grade reports, portfolio, standardized test when applicable, parent and teacher observations).
6. Meeting with entire school staff to provide information about LEP student enrollees and ESL support services.
7. Making recommendations for appropriate student placement.

8. Discussing direction and instructional objectives for ESL support services.
9. Recommending revisions and additions for the school district's Lau plan.
10. Recommending modification of ESL support services or reclassification of a student from LEP to FEP (or vice versa).
11. Carrying out periodic monitoring for three years after a student's reclassification to FEP.

### **PART III. PLACEMENT (ENTRY & EXIT)**

#### **A. Factors that Affect Program Design**

There are many factors that must be considered when determining the most appropriate and effective structured language support program. Some of those factors are:

- ✧ Age of the child - If a limited English proficient child is of kindergarten age, the LAC would not want to allocate lengthy ESL contact with the child because of the short attention span of a kindergartner. However, for, say a 6th grader, the program would have to encompass not only ESL but content area subjects and would require a more substantial time allotment than would a kindergartner.
- ✧ English language proficiency level
- ✧ Native language proficiency level
- ✧ Amount of uninterrupted schooling in the child's background
- ✧ The amount of native language literacy skills the child possesses
- ✧ Amount of trauma (if any) in child's background (from family, country...) especially from refugees
- ✧ Amount of literacy readiness/exposure in child's background

## **B. Classification of Students' English Fluency Levels**

The English language proficiency level of language minority students can be translated to classification categories decided upon by the LAC. Some programs will use the categories of: Non-English proficient; Limited English Proficient; Transitional English Proficient; and Fluent English Proficient. Other categories frequently used are: Beginner (Low Beginner and High Beginner); Intermediate (Low Intermediate and High Intermediate); and, Advanced. Students' English fluency levels can also be categorized according to the four stages of language acquisition in the "natural approach"; pre-production; early production; speech emergency; and intermediate fluency. Number designated levels are also used. Regardless of category designation used, there needs to be a detailed description of each of the categories for clarity. When the LAC is deciding about the ESL program for individual children, the focus of and time allotment for it will be greatly influenced by the child's ELP category. Other factors such as those mentioned in the section "Factors that Affect Program Determination" will be important, too.

The LAC will weigh the assessment information and the other factors to create the most effective and appropriate language support system for the language minority children in question. Features of such classification could be outlined thus:

1. A low beginner student of English as a second language would be characterized by:
  - a level of non-English proficiency
  - neither BICS nor CALP skill level
  - the beginning of associating sound and meaning, the way that spoken language relates to their environment
  - using non-verbal signals rather than words to indicate comprehension
  - relying heavily on contextual clues (appropriate and unambiguous visuals, real objects and student-student/teacher - student interactive activities)
  - depending on key words rather than complete utterances, in order to comprehend the main idea
  - little or no literacy skills in English (for students 2nd grade and older)
  - little or no receptive vocabulary; little or no expressive vocabulary
2. A high-level beginner (HB) student would be characterized by:
  - very limited English proficiency (some BICS/no CALP)
  - attempting speech, although elements may be missing and individual words may be mispronounced (early speech production);
  - continuing to develop comprehension skills (through the teacher's expansion of vocabulary for passive recognition);
  - some simultaneous development of literacy readiness skills (for students 2nd grade and older)

3. A low intermediate (LI) student would be at the stage of speech emergence in which s/he produces frequently heard phrases at first and then later begins to generate his/her own sentences. This level would be characterized by the student's:

- limited English proficiency
- attempting more elaborate speech;
- continuing to make errors and at a greater rate because of more speech production;
- requiring extensive vocabulary development; while continuing to develop comprehension skills;
- increasing literacy skill development in English

4. High intermediate (HI) fluency describes the period in which the student produces full sentences and uses them in a connected narrative. This level is characterized by the student's:

- Developed BICS/low CALP
- Understanding most of the everyday language s/he hears during a typical school day;
- Beginning to converse with native speakers extensively;
- Continuing to make errors, although at a lesser rate; and,
- Continuing to develop comprehension skills; especially in order to acquire higher-level vocabulary.

5. The low-advanced student is at a transitional English proficiency level. This level is characterized by the student's:

- having a wide range of abilities in the instructional setting (BICS and CALP) - both formal and informal
- having a wide range of literacy skills (students 2nd grade and older)
- requiring further facilitation of vocabulary and comprehension development
- almost totally mainstreamed requiring continued though decreased ESL support

The high-advanced student is totally mainstreamed, requiring little or no ESL assistance, only in specialized areas of academic study.



### **C. Grade-level Placement**

Before making a permanent grade-level placement decision for a language minority student, the LAC will need to have pertinent background information about the child. That information would include:

- the child's chronological age
- the child's educational background
- the child's English language proficiency level

With this information, which should have been collected as expeditiously as possible, the LAC can decide at what grade level the student should be placed. Under no circumstances should a student be placed in a grade level that is more than one year below his/her chronological age. Although it may seem logical to place a language minority child at a grade level that matches the kind of English skills he/she appears to need to acquire, it would be a great disservice to the child both socially and cognitively to do so. The school is obligated to provide a structured language support program that meets the ESL as well as content area and equal access needs of the student.

If the student is at the low end of the English language proficiency spectrum (see previous section), the necessary ESL services will probably focus on survival skills and basic communication (BICS) regardless of the child's grade level, even though the focus of the program is to assist that child in learning the content area information that has been taught in earlier grades.

Regarding the issue of grade-level retention, grade level retention is only advisable when a language minority student is lagging behind peers socially and emotionally (and even that may not be appropriate). Consequently, a reasonable argument can be made that a LEP child will not be on grade level academically until he/she has had the opportunity to acquire and learn the English skills and content necessary for success. It is never appropriate to retain a LEP child solely based on limited English proficiency, since such a student has unique needs and must be given ample time from grade level to grade level to acquire English proficiency. As noted earlier, acquisition of a second language for cognitive/academic proficiency can take from five to more than seven years under optimal circumstances.

The most advantageous way to avoid grade-level retention is to make accommodations for the LEP child in the mainstream classroom and to maintain a close collaborative relationship between the mainstream and ESL program. If a LEP child is referred for retention, the LAC should be included in that process to ensure that language proficiency is not the sole reason for the referral.

## **D. Exit and Reclassification Criteria**

If a structured language support program is effective and appropriate, the LEP student will eventually be: (a) reclassified at a higher level of proficiency, or (b) exited from the structured language support program entirely. Any member of the Language Assessment Committee or the child him/herself may recommend reclassification or exit.

Once the recommendation has been made for reclassification or exit, an evaluation process and a review of records are undertaken. The evaluation criteria and review of records are similar to those implemented in the entry criteria with one crucial exception - that of the comparability of the student to his/her mainstream peers and the likelihood/predictability of academic success in a totally-mainstreamed instructional setting. This range of criteria will be identifiable in: the student's scores on a standardized achievement test normed on fluent English proficient children; a portfolio of the student's literacy work; observations in both formal and informal settings; teacher observations; and, interviews with the child and parent(s)/guardian(s). The compilation of this information would necessarily bear out the viability of a recommendation for reclassification or exit.

The criteria would include a cut-off score for the standardized achievement test to determine the child's ability to compete with monolingual English-speaking peers. If the child has difficulty taking standardized achievement tests, the LAC may set up an alternative test-taking situation.

If and when the child is found to be eligible for reclassification or exit, the LAC will need to monitor the child's academic performance and psycho-social well-being after the placement is made. In the case of a student who is reclassified, the decreased ESL instructional time should be monitored in terms of: continued academic success; adjustment to a longer time period in the mainstream classroom; and, instructional needs being met in the structured language support program. In the case of exit from the program, the full mainstreaming should be monitored for: academic success; adjustment to the full-time mainstream classroom; and, any emerging language skills needs that may surface once mainstreaming has occurred.

After a child has been exited from a structured language support program, that child's language performance and growth must be monitored for three years (if the child is still in school). This could be done in the regularly scheduled LAC meetings. During those three years of monitoring, if the child experiences a pattern of difficulty with language or content skills, the LAC can re-enter the child into the structured language support program.

In the monitoring process, the LAC members would be considering criteria similar to those considered in the exit criteria.

## **PART IV. INSTRUCTION**

### **A. Teacher Skills and Credentials**

Just as with any other teaching specialization, ESL teachers require special pedagogies to provide the best services for their students. The State Board of Education in 1988 adopted an ESL endorsement for teachers; it requires 15 semester hours of course work in five cluster areas (See Appendix II). If a district has children enrolled who are language minority-limited English proficient, the structured language support services can be provided in two personnel configurations:

1. An ESL-endorsed teacher provides direct ESL instruction
2. A paraprofessional or non-ESL endorsed teacher provides direct ESL instruction and is supervised and guided by an ESL-endorsed teacher

The presence of an ESL-endorsed professional is imperative for an effective and appropriate program to be implemented. The recommended configuration is the former; recommended by Office for Civil Rights and the MDOE. If the second configuration is opted for, one must also realize that if a paraprofessional or non-ESL endorsed teacher is engaged to provide direct services, that person must still participate in training in ESL, though it might be less formal.

The minimal qualifications for ESL tutors who do not possess an endorsement should include the following:

1. Experience in a second language learning setting;
2. Experience in a non-English speaking culture;
3. Experience working effectively with children in an instructional setting;
4. Possession of a knowledge of instructional methods for communication skills and content areas; and,
5. Possession of a working knowledge of ESL, second language acquisition, and LEP students.
6. An active pursuit of the Maine ESL/teacher endorsement.

## **B. Service Delivery Models**

There are many types of structured language support models from which can be selected that are appropriate to limited English Proficient children. The ability of a district to provide some of these programs depends on: availability of native-language-speaking personnel; availability of native language instructional materials for sheltered content. The keys to an effective and appropriate program choice are: careful consideration of the child's needs; full research into the resources available (personnel, materials); and, full understanding of the possible program configurations; and, strict adherence to equity issues and demanded under Title VI of the Civil Rights Act and related legislation.

The most common structured language support programs are:

Bilingual education: A program which utilizes the students' native language and cultural factors in instructing these students in their academic subjects, except for English. Services are provided by bilingual teachers who hold a Maine endorsement in bilingual education.

English as a Second Language: A structured language learning program or curriculum designed to teach English to students whose native language is not English. In low-incidence situations, this instruction may occur through "pull-out" from regular English literacy instruction, and students are placed in mainstream subject areas for most of the school day. Services are provided by or supervised by a Maine certified teacher endorsed in ESL.

Sheltered English: An approach that utilized the simplification of the English language to teach ESL and subject area content simultaneously (sometimes called "content ESL"). Although the actual content is the same as that taught to non-LEP students (not "watered down"), key concepts and vocabulary are targeted to fit the ESL student's English language proficiency level. Sheltered English is sometimes referred to as "Specially designed academic instruction in English."

Structured immersion: Instruction for LEP students is conducted in English in a setting wherein the teacher understands the students non-English home language. The student uses the non-English native language with the teacher who usually responds in English.

A structured language support program such as those listed above must be provided in a time allotment that will most benefit the ESL learner. As has been mentioned earlier in this document, the consideration of many factors must take place when a program is being set up. However, the ultimate goal is to provide effective and appropriated services to the students so they may benefit fully from and succeed in an education conducted in English. See Collier, Appendix III, for a consideration of which of the above practices is best support by the research literature.

The determination of a time allotment for a structured language support program is ideally discussed by the Language Assessment Committee with all the assessment information in hand. The long-term effects of the programmatic decisions must take precedence over the short-term effects (i.e., cost of the services); if a shorter time allotment or time span of services is opted for, it may result in greater difficulties for the child in the mainstream classroom and in his/her accomplishment of academic success. The investment in a quality structured language support program will be obvious in the broad range of abilities in English a LEP student will eventually acquire.

### C. BICS, CALP, Age and Rate for Language Acquisition

The two levels for second language acquisition are: Basic Interpersonal Communication Skills (BICS) and Cognitive Academic Language Proficiency (CALP). These two components encompass many skills, abilities, and cognitive demands. If second language learners are to be fully fluent in English, they must attain proficiency in both these components. Within each component level, there are continua of cognitively demanding and less cognitively undemanding tasks and context embedded - context reduced tasks that a language learner would need to be able to perform to be proficient at that level. ESL instructors can tailor-make instructional activities to assist students in working on the skills in each level.

Research has been conducted on the rate at which second language learners acquire the two BICS and CALP. Many variables contribute to the rapidity with which a learner would acquire these levels; those variables include age of child; previous schooling in first language (interrupted schooling); mastery of literacy skills in the first language; maintenance of the first language in the home; length of residence in the U.S.; family value of education; amount and quality of bilingual instruction in previous schooling; amount and quality of ESL instruction in previous schooling. **Under the optimal conditions, it can take up to two years for a student to acquire BICS and from five to seven years or more to acquire the CALP under the very best support system. See Collier, Appendix III.** Consensus appears to be that the ideal age for a child to begin learning a second language is between the ages of 8 and 11.

Parents and guardians need to be apprised of this information so that they can have realistic expectations of the instructional programs and of their children. It will also help them to advocate more effectively for their children in the school setting.

Mainstream teachers and administrators also need to be apprised of this information so that they, too, can help provide an appropriate and effective structured language support program with realistic expectations for language minority-limited English proficient children. The assessment of the English language proficiency of language minority children and their language instructional program, must take into account the two levels of language proficiency. It is not enough for a child to have acquired the BICS component; that child will have difficulty with the cognitive-academic demands of the school which may result in failure.

## **PART V. Program Evaluation and Recordkeeping**

In order to ensure the most effective and appropriate structured language support programming for limited English proficient children, a model for overall program evaluation must be developed and utilized. An annual program evaluation will illustrate the following: attainment of program outcomes; attainment of learner outcomes; school climate and support for the program and children; the quality of instructional materials; the maintenance of information about students; the effectiveness of staff development activities; the amount and effectiveness of mainstream - ESL collaboration; the effectiveness of school and program communication with parents; and the implementation of the district's Lau plan itself approved by its school committee.

The program accountability and demonstration of outcomes will enhance the program's legitimacy in the school and will consummate the work and methods of the program toward the ultimate goal of continually improving instruction to meet learner instructional needs.

In all of the procedures involving the identification, assessment, provision of services, and exit from services for LEP children, thorough recordkeeping must be implemented and maintained. Such recordkeeping is necessary to keep track of the components of the individual learning plan and the child's progress within it; the language progress file is also a valuable source of information for the program evaluation. If the child's family moves to a different school, the information in the file can help the new teacher to set up a language support program more expeditiously.

The language progress file (LPF) is also a valuable tool for illustrating a school's commitment to quality services for LEP children. Typically, a LPF would consist of:

- ↗ all test scores pertaining to program decisions
- ↗ recommendations for the individual child's program
- ↗ portfolio of literacy work done by the student
- ↗ ILPs (with program goals and objectives) and outcomes
- ↗ a copy of the HLS that initially identified the child as language minority
- ↗ parent interview or questionnaire notes
- ↗ timeline of LAC meetings
- ↗ recommendations for reclassification or exit from program
- ↗ notes from observations by school staff
- ↗ copies of rank cards

A member of the LAC would need to be designated as the person to maintain the LPF.

## **PART VI. LOCAL POLICY - Suggested *Lau* Plan Development Process**

A LAU Plan is a school district's policy with regard to students it enrolls whose first language is not English. Such policy, approved by its school committee, is the district's vehicle for implementing Title VI of the Civil Rights Act and any other legislation such as is described in Part I.

The following steps should take place in this sequence in developing *Lau* Plan.

- Step I. Present legal foundation for necessity of providing language support services to language minority students. The DOE can provide all the necessary citations for you. See the footnote to page one in the Introduction.
- Step II. Create a language assessment committee (LAC) at either the: building-level or district-level.
- Step III. Decide on LAC membership.
  - A. Determine who the LAC convener will be.
  - B. Determine types of LAC members: On-going, temporary, rotating on-going members. Suggest a rationale for LAC membership roles.
  - C. Determine temporary members and those who will serve as rotating members. Suggest a rationale for rotation versus temporary membership.
- Step IV. Outline responsibilities for the Language Assessment Committee. The list of responsibilities would typically include:
  - A. Reviewing the home language survey to identify potential LEP students in the school (those students who have not already been identified by LAC survey, parents, mandatory special education screening, or teacher referral). Make copies of those surveys that indicate minority language usage. Create a language assessment file for each student identified.
  - B. Notification of the parents in their native language of date and nature of upcoming English language proficiency testing.
  - C. Administration of multi-criteria evaluation to potential LEP students (test-administration and score-interpretation teaching available through our office) annually.
  - D. Making decisions from multi-criteria evaluation about placement (grade level) and appropriate ESL programming (i.e., length of time, time of day, type [pull-out or in-class]).



- E. Meeting on a regular basis to monitor student's language and academic progress (grade reports, standardized tests when applicable, parent and teacher observations).
- F. Meeting with entire school staff to provide information about LEP students and ESL.
- G. Make recommendations for placement and program type for summer and next school year.
- H. Recommend revisions and additions for ~~the~~ *tau* plan.
- I. Recommend modification of ESL support services or reclassification of a student from LEP to FEP or vice versa.

Step V. Test instruments, other than home language surveys that (translations available), will be used to identify limited English proficient students.

What time limitations will be placed on the identification process?

Step VI. Maintain a mechanism for record-keeping for identified language minority students.

Identify a person who will maintain and up-date files.

Step VII. Establish components of multi-criteria evaluation (entrance criteria) for identified language minority students

- A. Native language evaluation, when applicable
- B. Target language (English evaluation tools)
- C. Other resources

Step VIII. Determine needs for language support services of LEP students. Define classifications of support. Set guidelines for time allotments for ESL services.

Step IX. Establish the DOE recommended teacher skills, such as Endorsement for ESL.

Involve the LAC in discussing direction and instructional objectives for the ESL instructor.

Step X. Establish criteria for reclassification, transfer, and exit of LEP students from the language support program. Include formal and informal evaluation devices used.

Involve the LAC in carrying out periodic monitoring for three years after student's reclassification to FEP.

Establish guidelines for monitoring former LEP students after their reclassification and exit.

Step XI. Determine program effectiveness. Secure a copy of the DOE publication, “What Matters in Building an Effective ESL Program.”

# Appendix I

## GLOSSARY

**BICS:** Basic interpersonal communicative skills. This acronym refers to the kind of language skills children need to talk with teachers, other adults, and classmates on a daily basis in informal situations, such as in the classroom or on the playground. These skills may not be sufficient to allow limited English proficient children to excel in school.

**Bilingual education:** A program which utilizes the students' native language (e.g., French, Passamaquoddy, Spanish...) and cultural factors in ~~str~~ucturing these students in their academic subjects except for English.

**CALP:** Cognitive academic language proficiency. This acronym refers to the kind of language skills related to school achievement. Literacy skills such as reading comprehension, decoding meaning from context, writing mechanics, writing proficiency, vocabulary development, and content-area comprehension are included in this aspect of language proficiency.

**ELP:** English language proficiency. This acronym refers to the degree which a minority language limited English proficient student can be documented (formally and informally) to possess basic interpersonal communicative skills (BICS) and cognitive academic language proficiency (CALP) in English. The BICS may be measured with an oral proficiency test and an interview. The CALP is most often measured with an oral proficiency test and an interview. The CALP is most often measured on norm- or criterion-referenced tests of language, reading, writing, and other content-area subjects. A classroom observation is also a valuable form of assessment.

**English as a Second Language (ESL):** A structured language learning program or curriculum designed to teach English to students whose native language is not English. In low-incidence situations, this instruction may occur through "pull-out" from regular English literacy instruction, and students are submersed in mainstream subject areas for most of the school day. Services are provided by or supervised by a certified teacher endorsed in ESL.

**FEP:** Fully English proficient. FEP is an example of a language proficiency category which refers to students who are capable of functioning in an English-only educational environment in the areas of comprehension, speaking, reading, listening and writing skills.

**ILP:** Individual Learning Plan. This acronym refers to a process used by some states to define the special language services needs of LEP students. Each student has such a plan developed for him/her. Analogous to the Individual Education Plan (IEP) developed for disabled students, but for non-special education purposes.

- LAC:** Language Assessment Committee. This acronym refers to the committee mentioned in the Maine Department of Education's Administrative Letter No. 28 (3/17/88 or updated revisions) to coordinate and oversee the educational program of limited English proficient students enrolled in a school system.
- L1:** First language. This acronym refers to the primary ~~on~~ative language (NL) the student acquired and which she/he normally uses; generally, but not always, the language usually used by the parents of the student.
- L2:** Second language. This acronym refers to the second or target language (TL) which a person (at any age) acquires, either formally through school instruction or informally through communication with speakers of that language.
- LEA:** Local education agency.
- LEP:** Limited English proficiency. This acronym refers to students with a primary language other than English who may come from a background or home environment where a language other than English is routinely spoken. This may affect English proficiency. The student's proficiency level in English may create an obstacle and inhibit the student's ability to benefit from an education conducted in English. The English language proficiency level would need to be measured in all skill areas (formally and informally).
- Maine endorsement in ESL:** Required of certified teachers of ESL, K-12 (15 credit hours in ESL in separate cluster areas).
- NEP: Non-English Proficient:** This acronym refers to students with a primary language other than English who may come from a home environment where a language other than English is routinely spoken. The student's proficiency level in English is such that all aspects of school communication are impeded.
- Refugee:** One who has fled the native country (e.g., Vietnam, Cambodia, Ethiopia, Somalia, Iraq...) usually for political asylum based on a well-founded fear of political persecution and/or family safety. Refugee status, including that of "resident alien" is determined by the Immigration and Naturalization Services which provides a special ID card with such designation.
- Sheltered English:** An approach that utilizes the simplification of the English language to teach ESL and subject area content at the same time (sometimes called "content ESL").
- SpEd LEP:** This acronym refers to students wh are both in need of special education and are limited English proficient.
- Structured Immersion:** Instruction for LEP students is conducted in English whereby the teacher understands the student's non-English home language. The student uses the non-English native language with the teacher who usually responds in English.

**Submersion:** Language minority students are placed in a mainstream classroom where only English is spoken. There is no special program of ESL, bilingual education or other alternative that would assist the student in acquiring English proficiency. Often referred to as “sink-or-swim,” this approach is not legal under Title VI of the Civil Rights Act.

# Appendix II

ENDORSEMENT: ENGLISH AS A SECOND LANGUAGE

- I. Authorization: Teaches English as a second language subjects in kindergarten through grade 12.
- II Academic Requirements: Eligibility for this endorsement shall be established by ~~meeting~~ the criteria set forth in paragraph A below OR in paragraph B below:
- A. ~~Possession of a Professional teaching certificate with an endorsement area.~~
- A. Possession of a provisional, professional, or masters level certificate.
- B. A minimum of 15 semester hours from the following five cluster groups. Three semester hours must be earned in each cluster group:

ESL Methods and Materials:

1. TESL Instructional Media
2. Methods in Teaching ESL
3. TESL Principles
4. Foundations of Instruction to Minority Students
5. ESL and Computer Assisted Instruction
6. Second Language Pedagogy
7. ESL Practicum

Linguistics/Language Acquisition:

1. Linguistics
2. Sociolinguistics
3. Psycholinguistics
4. Study of the English Language
5. First Language Acquisition
6. Second Language Acquisition
7. Language and Culture
8. Modern English Grammar
9. Syntactic Analysis
10. Linguistic Pragmatics and Semantics

Culture Studies:

1. Cultural Bias, Stereotype, and Conflict
2. Multicultural Education
3. Language and Culture
4. Cultural Issues and Perspectives
5. Cultural Diversity in Maine
6. Contemporary American Culture and Society
7. Practicum



8. Counselingthe CulturallyDiverse
9. Native AmericanStudies
10. Franco-AmericanStudies

CurriculumDevelopment:

1. Developinga Notional-FunctionalSyllabus
2. ESL CurriculumDevelopment
3. ESL in the Content Area
4. Second LanguageLiteracy Skills
5. CurriculumAdaptation for Language Minorities
6. The WritingProcess
7. The ReadingProcess

Assessmentand Testing:

1. Language Testing and Assessment
2. Language MinorityDiagnosisand Placement
3. Evaluationof ESL TeachingMaterialsand Curriculum
4. ESL Program Evaluation

~~B. A minimum of 21 semester hours in the following:~~

- ~~1. Methods of teaching ESL~~
- ~~2. Language acquisition~~
- ~~3. Second language acquisition theory~~
- ~~4. Linguistics~~
- ~~5. Curriculum development (specific to language minority group)~~
- ~~6. Assessment, testing and placement of students in grade levels and subjects~~
- ~~7. Principles of multicultural education~~

OR

- B1. A minimumof nine semester hours from the five cluster groups contained in paragraph A above. No more than three semester hours may be earned in any one cluster group, and
2. A minimumof three years of successfulteaching experiencein a K-12 or postsecondaryprogram of Englishas a Second Languageor Englishas a foreign languagewhich meets the validationstandards set forth below:
  - a. Reliableand validatedscreeninginstrumentsfor identifyingpotential limited Englishproficient“LEP” students as describedin Parts A, 1-4, C, 1-4 and D, 2 of AppendixA attached hereto.
  - b. Multiple-criteriaassessmentfor entry into and exit from the language support programs i.e., ESL or bilingualas describedin Parts A-C of AppendixB and AppendixD attached hereto.

- c. Program (e.g., individualized time allotments, comparable facilities during school day, list of instructional materials used, accommodations in English-only classroom.)
- d. Post-exit/reclassification monitoring as described in Parts D-F of Appendix B attached hereto.
- e. Program funding source (must be other than Special Education, Chapter 1 or Migrant)
- f. Establishment of Language Assessment Committee and process for carrying out committee responsibilities as described in Appendix C attached hereto.

### ~~III. Professional Requirements:~~

~~A. minimum of 24 semester hours in the following:~~

~~A. Knowledge of the learner~~

~~B. Knowledge of the learning process~~

~~C. Teaching exceptional students in the regular classroom~~

~~D. Content areas methods~~

~~E. Curriculum design and methods of program evaluation~~

~~F. Practicum:~~

- ~~1. Supervised and documented practicum experience in direct contact with Limited English Proficiency children in an instructional setting~~
- ~~2. Thirty non-consecutive clock hours of supervised and documented direct contact with Limited English Proficiency children in an instructional setting~~

~~These requirements waived for Conditional level certificate holders.~~

### III. Renewal Requirements:

A Professional certificate may be renewed upon completion of 6 hours of approved study. It is recommended that the approved study be academic in the endorsement area.

### IV. Current Endorsement Holders

Persons holding a valid English as a Second Language Endorsement issued by the Department prior to the effective date of this amendment need not meet the academic and professional requirements set forth above so long as their underlying certificate remains in full force and effect.

# Appendix III

# **LANGUAGE MINORITY STUDENT ACHIEVEMENT AND PROGRAM EFFECTIVENESS**

## **Research Summary of Ongoing Study: Results of September, 1995**

**Researchers: Wayne P. Thomas and Virginia P. Collier, George Mason University**

This series of studies, conducted as collaborative research with the bilingual/ESL school staff in each of five urban and suburban school district sites in various regions of the U.S., focuses on the length of time needed to be academically successful in a second language and the student, program and instructional variables that influence language minority students' academic achievement. The school systems chosen have language minority programs that are well established and strongly supported, with experienced staff. The research extends the analyses by Collier and Thomas (Collier, 1987, 1988, 1989, 1992; Collier & Thomas, 1988, 1989, 1991, 1992; Thomas, 1992, 1993, 1994) in the field of language minority education. The sample consists of approximately 42,000 language minority student records per school year, with from 8 to 12 years of data from each of the five school systems. The data include language minority student background variables and student academic achievement as measured by standardized tests, performance assessment measures, grade point average, and high school courses in which enrolled. Data sources are all central administrative student records, central testing databases, and bilingual/ESL program databases, as well as any additional data that the school staff decide to collect to answer questions they want answered. Interviews with school staff provide additional information regarding the sociocultural context of schooling and programmatic variations. In addition, we have acquired and re-analyzed portions of the Ramirez (1991) dataset, to compare this data to our findings.

Data analysis of the study includes the use of relational database computer programs to match all historical records of student background variables and educational program treatment variables with outcome measures, in a series of longitudinal cohorts of 3-6 years, for a long-term look that is cross-sectional but that incorporates longitudinal data. Each school district's data has been analyzed separately, using descriptive statistical analyses and hierarchical multiple linear regression, to assess relationships between and among various student variables, program variables, and student outcomes. The interpretations of the data analyses have taken into consideration the sociocultural contexts in which the language minority students function, through interviews and collaborative analyses of the data conducted with school staff. General patterns have emerged in program differences and student achievement across the five school district sites and are reported below.

**Key findings:** Three key predictors of academic success appear to be more important than any other variables. These features are more powerful than specific program type or student background variables. Schools that incorporate all three of these factors are likely to graduate language minority students who are very successful academically in high school and higher education:

- (1) Cognitively complex academic instruction through students' first language for as long as possible and through second language for part of the school day;
- (2) Use of current approaches to teaching the academic curriculum through both L1 and L2, through active, discovery, cognitively complex learning;
- (3) Changes in the sociocultural context of schooling, e.g. integration with English speakers, in a supporting, affirming context for all; an additive bilingual context, in which bilingual education is perceived as the gifted and talented program for all students; and the transformation of majority and minority relations in school to a positive school climate for all students, in a safe school environment.

Examples of programs that have the potential to incorporate these three key factors are the following: For students who are schooled in the U.S. from kindergarten on, the elementary school program with the most success in language minority students' long-term academic achievement, as measured by standardized tests across all the subject areas, is two-way developmental bilingual education. As a group, students in this program maintain grade-level skills in their first language at least through sixth grade and reach the 50<sup>th</sup> percentile of NCE in their second language generally after 4-5 years of schooling in both languages. They also generally sustain the gains they made when they reach secondary level. Program characteristics are: (1) Integrated schooling, with English speakers and language minority students learning each others' languages; (2) Perception among staff, students, and parents that it is a "gifted and talented" program, leading to high expectations for student performance; (3) Equal status of the two languages achieved, to a large extent, creating self-confidence among language minority students; (4) Healthy parent involvement among both language minority and English-speaking parents, for closer home-school collaboration; (5) Instructional approaches emphasizing: whole language, natural language acquisition through all content areas, cooperative learning, interactive and discovery learning, cognitive complexity of all lessons. Students in well-taught bilingual classes that continue through at least sixth grade (late-exit or maintenance bilingual programs), with substantial cognitive & academic development through both first & second languages, are also able to reach the 50<sup>th</sup> percentile or NCE within 4-7 years and maintain their academic performance at secondary level in academic classes taught all in English.

Current approaches: The second predictive factor, use of current approaches to language and content teaching, provides a clear example of feasible and effective program change. Students do less well in programs that focus on discrete units of language taught in a structured, sequenced curriculum with learner treated as a passive recipient of knowledge. Students achieve significantly better in programs that teach language through cognitively complex academic content in math, science, social studies, and literature, taught through problem-solving, discovery learning in highly interactive classroom activities. ESL pullout in the early grades, taught traditionally, is the least successful program model for students' long-term academic success. During Grades K-3, there is little difference between programs, but significant differences appear as students continue in the mainstream at secondary level, where the instruction & testing become more cognitively demanding.

Secondary education: For students entering U.S. schools at secondary level, when first language instructional support cannot be provided, the following program characteristics can make a significant difference in academic achievement for English language learners: (1) Second language taught through academic content; (2) Conscious focus on teaching learning strategies needed to develop thinking skills and problem-solving abilities; (3) Instructional approaches that emphasize activation of students' prior knowledge, respect for students' home language and culture, cooperative learning, interactive and discovery learning, intense and meaningful cognitive/academic development, and ongoing assessment using multiple measures.

How long does it take groups of students to reach the 50<sup>th</sup> NCE or percentile on standardized tests (including performance assessment) in their second language (L2)?

When schooled in L2 in the U.S. and tested in L2:

Students with at least 2-3 years in L1 schooling in home country: 5-7 years

Students with no schooling in L1: 7-10 years

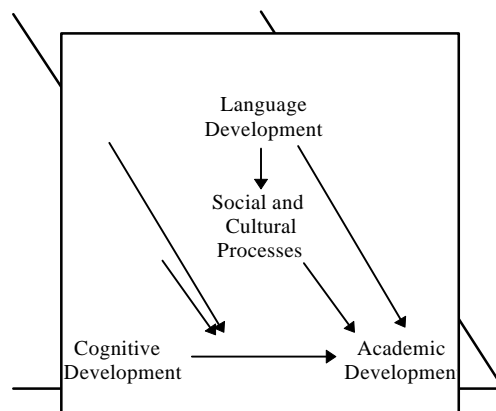
When schooled bilingually in L1 and L2 in the U.S.

Students when tested in L1: on or above grade level

Students when tested in L2: 4-7 years

Both language minority and language majority students, in the very highest quality programs, take this long to reach the level of a native speaker on school tests given in the students' second language. First language literacy and schooling in first language (in home country or in the U.S.) are very important student background variables that are predictors of academic success in second language.

Theoretical model: The research results to date validate our theoretical model illustrated in the form of a prism with four interdependent dimensions: social and cultural processes, as well as language, cognitive, and academic development in L1 and L2. If schools emphasize one dimension to the neglect of another, this may be detrimental to a student's overall growth and academic success.



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Publications to come on this series of studies: A general summary of the study will be available from the National Clearinghouse for Bilingual Education, by approximately May, 1996: articles will be submitted to the Bilingual Research Journal, TESOL Quarterly and other education journals in 1996-1997. The theoretical explanations for our findings are published in a monograph by V.P. Collier, Promoting Academic Success for ESL Students, published in 1995 by NJTESOL-BE (call 1-800-662-0301 to order); a paper by V.P. Collier, Acquiring a Second Language for School, published in 1995 by the National Clearinghouse for Bilingual Education (call 1-800-321-6223); and a Georgetown University Round Table 1995 paper by V.P. Collier, published in the conference proceedings.

Future Research: We will continue this research with data collection and analyses in the current research sites, and will add five new school districts to the study over the next five years.

Figures 1 and 2: The figures on the last two pages show the results of some of the data analyses of this study, illustrating general patterns of student achievement on standardized tests in English, compared across several program models. The following list provides an overview of the major variations in program types that have been implemented in the U.S. for educating language minority students, focusing on the overall distinguishing characteristic of the amount of instructional support in each language:

## **PROGRAM MODELS IN LANGUAGE MINORITY EDUCATION IN THE U.S.**

(Ranging from the most to the least instructional support through the minority language)

**Immersion Bilingual Programs:** Academic instruction through both L1 and L2 for Grades K-12. Originally developed for language majority students in Canada. Used as one model for two-way bilingual education in the U.S.

- Early total immersion (in the U.S., often referred to as the 90-10 model, or the Eastman model in California)  
Grades K-1: All or 90% of academic instruction through minority language  
Grade 2: One hour of academic instruction through majority language added  
Grade 3: Two hours of academic instruction through majority language added  
Grades 4-5 or 6: Academic instruction half a day through each language  
Grades 6 or 7-12: 60% of academic instruction through majority language and 40% through minority language.
- Partial immersion (in the U.S., the 50-50 model)  
Grades K-5 or 6: Academic instruction half a day through each language  
Grades 6 or 7-12: 60% of academic instruction through majority language and 40% through minority language.

**Two-Way Developmental Bilingual Programs:**

Language majority and language minority students are schooled together in the same bilingual class, with many variations possible, including immersion bilingual education and late-exit bilingual education.

**Late-Exit or Maintenance Bilingual Programs:**

Academic instruction half a day through each language for Grades K-6. Ideally, this type of program was planned for Grades K-12, but has rarely been implemented beyond elementary school level in U.S.

**Early-Exit or Transitional Bilingual Programs:**

Academic instruction half a day through each language, with gradual transition to all-majority language instruction in approximately 2-3 years.

**English as a Second Language (ESL) or English to Speakers of Other Languages (ESOL)**  
Instruction, with no instruction through the minority language:

- Elementary education:
  - Structured immersion: Taught by a bilingual teacher, in a self-contained classroom, but all instruction is conducted through English (all day)
  - ESL or ESOL self-contained taught through academic content (all day)
  - ESL or ESOL pullout (varying from 30 minutes to half a day)
- Secondary education:
  - ESL or ESOL taught through academic content or sheltered English
  - ESL or ESOL taught as a subject

**Submersion:** No instructional support is provided by a trained specialist. This is NOT a program model; it is illegal in the U.S. as a result of the Supreme Court decision *Lau v. Nichols*

# GENERAL PATTERN OF K-12 LANGUAGE MINORITY STUDENT ACHEIVEMENT ON STANDARDIZED TESTS IN ENGLISH COMPARED ACROSS FIVE PROGRAM MODELS

(Data aggregated from a series of 3-6 year longitudinal studies from well-implemented, mature programs in five school districts and from the Ramirez 1991 dataset)

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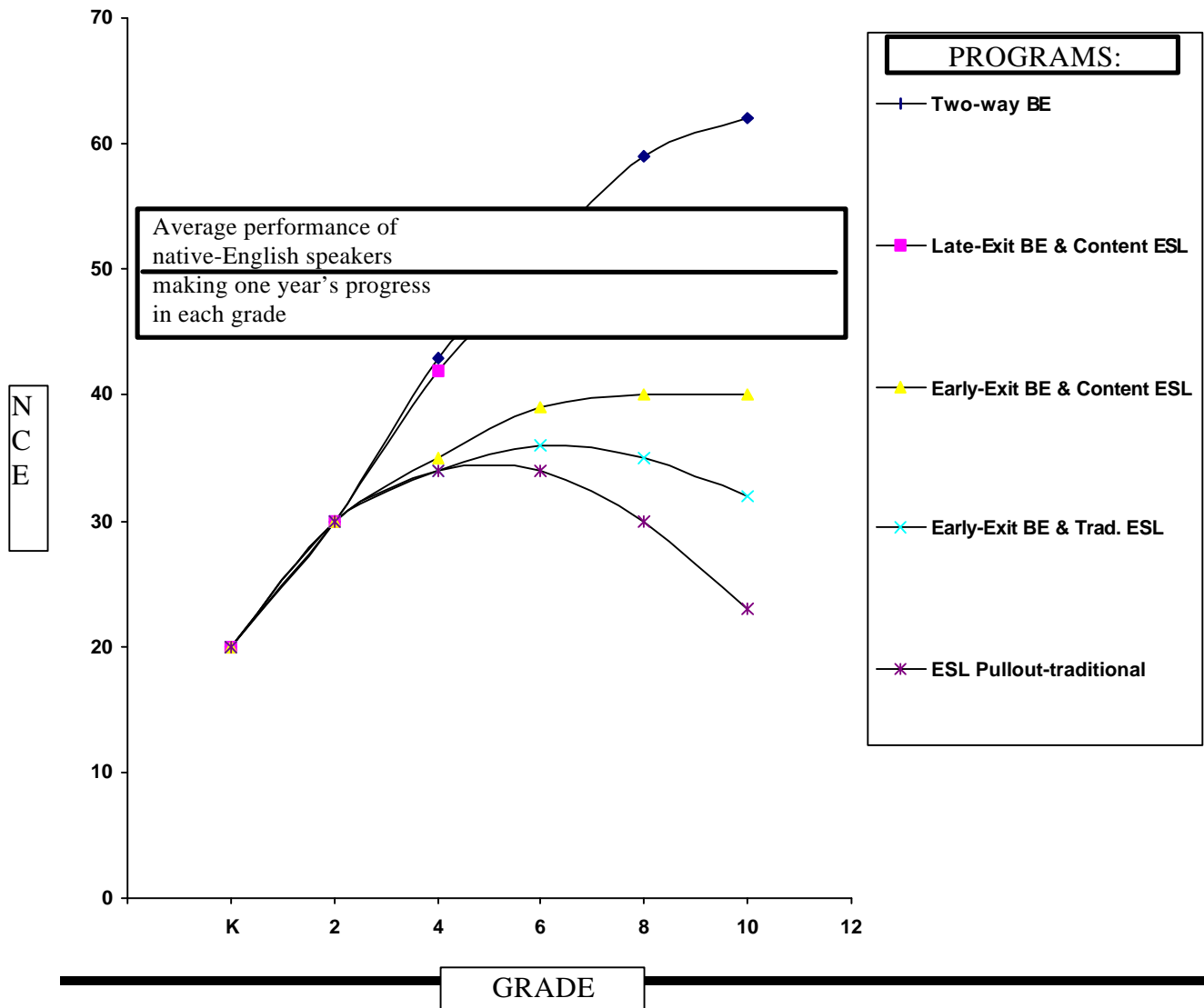
Program 1: Two-way developmental bilingual education (BE)

Program 2: Late-exitbilingual education & ESL taught through academic content

Program 3: Early-exit bilingual education & ESL taught through academic content

Program 4: Early-exit bilingual education & ESL taught traditionally

Program 5: ESL pullout - taught traditionally





# GENERAL PATTERN OF SECONDARY LANGUAGE MINORITY STUDENT ACHIEVEMENT ON STANDARDIZED TESTS IN ENGLISH FOR NEW IMMIGRANTS WITH PRIOR L1 SCHOOLING WHO ARRIVE IN THE U.S. IN GRADES 5-6

(Data aggregated from a series of 3-year longitudinal studies  
from well-implemented, mature programs in five school districts)

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